

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

C.S., et. al..

## Plaintiffs,

vs.

## CALIFORNIA DEPARTMENT OF EDUCATION.

**Defendant.**

CASE NO. 08-CV-0226 W (AJB)

**ORDER PARTIALLY  
GRANTING EX PARTE  
APPLICATION TO SHORTEN  
TIME TO HEAR MOTION FOR  
INTERVENTION (Doc. No. 13)**

On February 19, 2008 Plaintiffs C.S. et. al. (“Plaintiffs”) filed a temporary restraining order (“TRO”) against Defendant California Department of Education (“Defendant”). (Doc. No. 4.) On February 20, 2008 the Court issued a briefing schedule, which established the TRO’s hearing date on March 24, 2008. (Doc. No. 7.) On March 7, 2008 the Court continued the TRO hearing until April 28, 2008 because there was no immediate irreparable injury and Plaintiffs did not properly serve Defendants with the Complaint. (Doc. No. 12.)

Also on March 7, 2008 the Office of Administrative Hearings (“OAH” or “Intervenor”) filed a motion seeking to intervene in this case. (Doc. No. 14.) OAH also filed an *ex parte* application to shorten the time to hear the intervention motion. (Doc. No. 13.) Despite the continuance, OAH seeks a shortened briefing schedule in order to resolve certain issues before the TRO’s opposition is due. Plaintiff opposes,

1 stating that they require more time to oppose the intervention. (*Pls.' Opp'n to Time*  
2 *Extension 1, 3.*)

3 Good cause appearing, the Court agrees that the issue of whether OAH should  
4 be allowed to intervene should be resolved before Defendants' opposition is due.

5 Specifically:

6 1. The hearing date for OAH's motion to intervene shall be April 7, 2008.

7 Unless otherwise notified, the Court will take the matter under submission  
8 and without oral argument pursuant to S.D. Cal. Civ. R. 7.1(d.1).

9 2. Plaintiff's Opposition shall be filed and served by March 24, 2008.

10 3. Any Reply shall be filed and served by March 31, 2008.

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12 IT IS SO ORDERED.

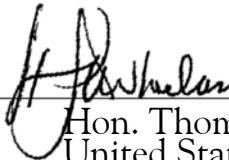
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15 DATED: March 11, 2008

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Hon. Thomas J. Whelan  
United States District Judge

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